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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Michael Justin Winders,
Petitioner,

v.
Jason Gunther,
Respondent.

No. CV-24-02330-PHX-JAT (ESW)

ORDER

On September 5, 2024, Petitioner Michael Justin Winders, who was then confined in the Federal Correctional Institution-Phoenix, filed a pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). Petitioner did not pay the \$5.00 filing fee or file an Application to Proceed In Forma Pauperis. In an October 31, 2024 Order, the Court gave Petitioner 30 days to pay the filing fee or file an Application to Proceed In Forma Pauperis. That same day, the Clerk of Court mailed the Order to Petitioner at his address of record. On November 14, 2024, the mail sent to Petitioner was returned as undeliverable. Petitioner has not filed a Notice of Change of Address or otherwise informed the Court of his whereabouts, and he has not complied with the October 31, 2024 Order.

Rule 41(b) of the Federal Rules of Civil Procedure allows the Court to dismiss an action for failure to prosecute, failure to comply with the Federal Rules of Civil Procedure, failure to comply with the Court's local rules, or failure to comply with the Court's orders. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962) (a court's

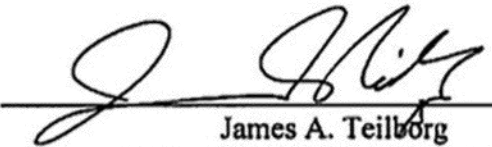
1 authority to dismiss for lack of prosecution is necessary to prevent undue delays in the
2 disposition of pending cases and to avoid congestion in the calendars of the district courts);
3 *Hells Canyon Pres. Council v. United States Forest Serv.*, 403 F.3d 683, 689 (9th Cir.
4 2005) (court may dismiss under Rule 41(b) for failure to prosecute or comply with rules of
5 civil procedure or the court's orders); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.
6 1992) (a district court may dismiss an action for failure to comply with any order of the
7 court).

8 Here, Petitioner's failure to inform the Court of his whereabouts constitutes a failure
9 to prosecute, *see Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988), and he has failed to
10 comply with the Court's Orders. The Court will therefore dismiss the Petition and this
11 action without prejudice pursuant to Rule 41(b).

12 **IT IS ORDERED** that the Petition (Doc. 1) and this action are **dismissed without**
13 **prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of
14 Court must enter Judgment accordingly and close this case.

15 Dated this 17th day of December, 2024.

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James A. Teilborg
Senior United States District Judge